IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 35 OF 2007

MR. VALERINO BARRETTO PRESENTLY AT
CENTRAL JAIL AGUADA THROUGH WIFE
MRS. SHEELA BARRETTO ... Petitioner

Versus

STATE OF GOA THROUGH CHIEF
SECRETARY AND 2 ORS., ... Respondents

Ms. Asha Dessai, Advocate for the petitioner.
Ms. W. Coutinho, Public Prosecutor for the respondents.

Coram:- D. B. BHOSALE, J.

Date:- 13th December, 2007

P.C.

Heard learned Counsel for the petitioner and learned Public Prosecutor for the State. By this writ petition, the petitioner has impugned an order dated 24.4.2007, passed by the Under Secretary (Home), Government of Goa, rejecting the petitioner's application for his release on parole. The parole was sought on the ground that his house is in a dilapidated condition where his mother aged 75 years alone stays and there is no other male member in the family who can get the house repaired. There is no dispute that the house requires repairs and the mother alone stays in the house. However, the application was rejected on the ground that the release of the petitioner will create a problem of law and order.

2. In my opinion, that alone cannot be a ground for rejecting his application, if he is otherwise entitled to be released on parole. There is no dispute that the petitioner is entitled to be released on bail. Except the case in which he is in jail, there are no criminal antecedents. Keeping that in view and considering the overall facts and circumstances of the

case, I am satisfied that following order shall meet the ends of justice :

The petitioner is direct to be released on parole for a period of 15 days from the date of his release, on condition that he shall report to the Canacona Police Station, every alternate day, in the morning, between 9 a.m. and 10 a.m. On completion of the period of 15 days, the petitioner shall surrender to the concerned Jail Authorities. The writ petition stands disposed of.

D. B. BHOSALE, J.

ssm.